



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

21

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,047	08/29/2003	Jong-Seong Kim	04010-P0003A	9810
24126	7590	06/24/2005	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619				GRAYSAY, TAMARA L
		ART UNIT		PAPER NUMBER
		3623		

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/652,047	KIM, JONG-SEONG
	Examiner	Art Unit
	Tamara L. Graysay	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 August 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date (2 pages).
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Priority

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

To obtain benefit under 35 U.S.C. 120 and 365(c) of a prior international application designating the United States, the continuing application must: (A) include a specific reference to the prior international application (either in the application data sheet (37 CFR 1.76) or in the first sentence of the specification), (B) be copending with the prior international application, and (C) have at least one inventor in common with the prior international application. See MPEP § 1895.01.

In the present application, applicant has complied with (A) and (C) but has not complied with (B). The international application was not filed in the IPEA/US so the examiner hereby requires applicant to certify that the international application was not withdrawn or considered to be withdrawn, either generally or as to the United States, prior to the filing date of the national application claiming benefit under 35 U.S.C. 120 and 365(c) to such international application.

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the Republic of Korea on 07 March 2001 and 29 December 2001. It is noted, however, that applicant has not filed a certified copy of the Korean application as required by 35 U.S.C. 119(b).

Drawings

3. The drawings are objected to because of the following:
 - a. They fail to comply with 37 CFR 1.84(m) because the shading (Fig.16) does not aid in understanding the invention and reduces legibility.

- b. They fail to comply with 37 CFR 1.84(m) because solid black shading (Figs.16) is not permitted.
- c. They fail to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 40 and 50 (Fig.10).
- d. Figure 8 is intended to be a detailed flow diagram of process step S600 in Figure 3; however, the bottom of Figure 3 is "end" and the bottom of Figure 8 is "return."

Clarification is required.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.
5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

6. The disclosure is objected to because of the following informalities:
 - a. The specific reference to the application in the first sentence of the specification should include the status of the prior application. For example, "This is a continuation of International Application PCT/EP2004/000000, with an international filing date of January 5, 2004, now abandoned."
 - b. [0008] at lines 11-12, contract appears to be misspelled.
 - c. [000144] at line 2, message is misspelled.

Appropriate correction is required.

Claim Objections

7. Claims 4, 6, 7, and 11 are objected to because of the following informalities:
 - a. Claim 4, line 2, "index" should be inserted after satisfaction.
 - b. Claim 6, line 4, "condition" should be price.
 - c. Claim 7, line 4, "condition" should be price.
 - d. Claim 11, line 26 appears to end in a period rather than a semi-colon; line 30, "products" should be products for consistency.

Appropriate correction is required.

Claim Rejections - 35 USC § 112, second paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the step of secondly retrieving the products to be purchased should be related to the first retrieving a product, e.g., secondly retrieving the products to be purchased from the first retrieved products, because the lack of relationship among the first and secondly retrieving steps renders the claim indefinite as to whether the first and second retrieving steps are related. Further regarding claim 1, the claim is unclear as to the products satisfaction indexes. First the process includes a step of receiving various purchasing conditions and simultaneously comparing the products information to compute products satisfaction indexes, i.e., receiving ... conditions and computing both products satisfaction indexes and purchase satisfaction prices from the products satisfaction indexes. Then, the claim recites the step of receiving values on the products satisfaction indexes from the purchaser. Thus, the claim is unclear whether the products satisfaction indexes are computed values or input values.

Regarding claim 2, the conditional statement “if the seller inputs the product name” is not clear whether the step of receiving sales products information from a seller (claim 1) is being further modified or possibly eliminated. The claim is indefinite as to the scope of the subject matter being claimed and the language is improper if attempting to eliminate previously recited steps.

Regarding claim 3, the conditional statement “if the purchaser inputs the purchasing condition on the first retrieved products” is not clear whether the step of receiving various purchasing conditions (claim 1) is being further modified or possibly eliminated. The claim is

indefinite as to the scope of the subject matter being claimed and the language is improper if attempting to eliminate previously recited steps.

Regarding claim 5, “product selection criteria” and “purchasing condition items” lack antecedent basis in the claim.

Regarding claim 7, “products dissatisfaction index” lacks antecedent basis in the claim.

Regarding claim 8, the conditional statement combined with alternative language “if the product to be purchased is retrieved depending upon a priority of the products satisfaction index or the purchasing condition” is not clear whether the step of finally retrieving the product (claim 1) is being further modified or possibly eliminated. The claim is indefinite as to the scope of the subject matter being claimed and the language is improper if attempting to eliminate previously recited steps. Moreover, the step of finally retrieving (claim 1) does not provide antecedent basis for finally retrieving depending on the products satisfaction index.

Regarding claim 9, “the represented retrieved products” lacks antecedent basis in the claim insofar as fist, secondly, thirdly, and finally retrieved products are recited in antecedent.

Regarding claim 10 recites the limitation "offer of the detailed purchasing condition input sheet" at lines 2-3; and “the items” at line 4. There is insufficient antecedent basis for these limitations in the claim. Further, the use of the term “user” is inconsistent with the purchaser/seller terminology used throughout the claims.

Regarding claim 11, third line from the end, “the purchasing specification” and “the purchasing specification database” lack antecedent basis.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Janssen (US-5754850) teaches receiving and storing product information from a seller, receiving product name and purchasing conditions from a purchaser, retrieving product information based on the product name and purchasing conditions, assigning points based on exact match and near match for primary and nonprimary purchasing conditions, and displaying product information based on the assigned points ranking.
- Frauenhofer (US-6236991) teaches periodic collection of electronic information and categorizing the information.
- Kalagnanam (US-6872967) teaches an electronic shopping assistant that receives purchasing conditions from a purchaser, retrieves product information based on the conditions (col.8, lines 45-66, Table 10), and recommends products based on the conditions (col.11, lines 9-67) in an order prioritized by seller constraints.
- Pant (US-6012053) teaches search result ranking and weighted relevance of conditions.
- Henderson (US-5544049) teaches information retrieval and ranking based on the number of times a condition is met (number of words in a document, for example).
- Ogawa (US-5535382) teaches information retrieval and ranking based on the degree to which a search condition is met.
- McCagg (WO-00/65505-A2) teaches online sales auto-repost module configured so that the seller can set a minimum acceptable price from a purchaser (with an option to lower

the price). Also, a purchaser, whose bid is not higher than the minimum acceptable price, can increase an offered price to meet the minimum acceptable price.

- Arora (WO-01/75736-A1) teaches weighted purchasing conditions comparison with seller products.
- Malone, Strom, and Bakos teach various aspects and benefits of electronic commerce.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (571) 272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tamara L. Graysay 4/18/05
Examiner
Art Unit 3623